

Serial No. 10/766,676

PATENT
Docket No. 71699-010200**REMARKS**

Applicant would initially like to thank the Examiner and the Examiner's Supervisor for extending the courtesy of a telephone interview to Applicant's undersigned attorney on November 2, 2004. In view of the suggestions made by the Examiner and the Examiner's Supervisor, Applicant has amended the claims to clarify that a price category indicates a known percentage. Further, Applicant has amended claims 20 and 21 as suggested to clarify that the guarantee ensures rather than guarantees. Therefore, Applicant submits that the claims are in condition for allowance.

The Examiner and the Examiner's Supervisor indicated that the objections made to the Drawings would be withdrawn if Applicant canceled claims regarding an "even distribution". Accordingly, Applicant has canceled claims 4-6 and 15-17. Therefore, Applicant submits that the objections to the Drawings should be withdrawn.

Drawings

The Examiner objected to the drawings under 37 C.F.R. 1.83(a) as not showing every feature of the invention specified in the claims. As agreed upon during the telephone interview, Applicant has cancelled claims 4-6 and 15-17. Accordingly, Applicant submits that there is no need for corrected drawings. Therefore, Applicant submits that the objection to the Drawings be withdrawn.

Applicant makes no admission regarding the support found in the drawings. Further, Applicant reserves the right to file continuation applications with these claims.

Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-25 under 35 U.S.C. § 103(a) as being unpatentable over Grippo (U.S. Patent No. 6,017,032) in view of Congello, Jr. (U.S. Patent No. 6,296,569).

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Applicant submits that amended independent claims 1, 11, 19, and 22 are not rendered obvious by Grippo in view of Congello, Jr. Grippo does not teach a first price category with a first known percentage of a prize and a second price category with a second known percentage of the prize. Therefore, Applicant submits that the rejections of independent claims 1, 11, 19, and 22 should be withdrawn.

With respect to claim 1, Congello, Jr. does not teach a divided first price category intra-shared distribution of the first known percentage of the prize. Congello, Jr. teaches a fractional denomination share of a full unit game ticket. See Congello, Jr., col. 3, lines 22-38. The divided first price category intra-shared distribution of the first known percentage of the first prize divides the distribution rather than the ticket price. Accordingly, Applicant submits that the rejection of claim 1 should be withdrawn.

Further, Congello, Jr. does not teach a divided first price category intra-shared distribution of the first known percentage of the prize as recited in dependent claims 12 and 23. Therefore, Applicant submits that the rejection of dependent claims 12 and 23 should be withdrawn.

Claims 2-10, 12-18, 20-21, and 23-25 depend from respectively from claims 1, 11, 19, and 22. Accordingly, dependent claims 2-10, 12-18, 20-21, and 23-25 are not rendered obvious by Grippo in view of Congello, Jr. Therefore, Applicant also submits that the rejections of dependent claims 2-10, 12-18, 20-21, and 23-25 should also be withdrawn.

In view of the above, it is submitted that this application is now in good order for allowance, and such early action is respectfully requested. Should matters remain that the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney.

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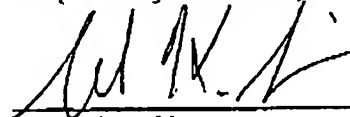
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Authorization is hereby given to charge any additional fees or credit overpayment to Deposit Account No. 50-2638. Please reference Attorney Docket Number 71699-010200 when charging any payments or credits in connection with this application. If the Examiner has any questions, Applicant requests that the Examiner contact Applicant's undersigned attorney at (310) 586-7755.

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